

ARKANSAS SUPREME COURT

No. CR 08-949

CHARLES L. PATTERSON, SR.
Petitioner

v.

LARRY NORRIS, DIRECTOR,
ARKANSAS DEPARTMENT OF
CORRECTION
Respondent

Opinion Delivered November 6, 2008

PRO SE PETITION FOR WRIT OF
HABEAS CORPUS [CIRCUIT COURT
OF INDEPENDENCE COUNTY, CR 88-
14, CR 88-18, CR 88-19, CR 88-20, CR
88-21, CR 88-22, CR 88-23, CR 88-24,
CR 88-25]

PETITION DENIED.

PER CURIAM

The petitioner, Charles L. Patterson, Sr., brings this petition for writ of habeas corpus challenging the judgments against him in a number of cases in Independence County Circuit Court. Petitioner is presently incarcerated in a federal penitentiary in Tucson, Arizona. He asserts that this court has jurisdiction to hear his petition because the Arkansas Department of Correction has lodged a detainer with the federal authorities, and he is therefore in custody of the Arkansas Department of Correction, even though he is not incarcerated in Arkansas.

Although this court may entertain original petitions for writ of habeas corpus, under Arkansas law, any petition for writ of habeas corpus to effect the release of a prisoner is properly addressed to the circuit court in the county in which the prisoner is held in custody, unless the petition is filed pursuant to Act 1780 of 2001. *See Lukach v. State*, 369 Ark. 475, 255 S.W.3d 832 (2007) (per curiam). Because petitioner is incarcerated outside of this state, an Arkansas court does not have personal jurisdiction over petitioner to grant the requested relief. A court does not have

jurisdiction to release on a writ of habeas corpus a prisoner not in custody in that court's jurisdiction. *See Pardue v. State*, 338 Ark. 606, 999 S.W.2d 198 (1999) (per curiam) (citing *Mackey v. Lockhart*, 307 Ark. 321, 819 S.W.2d 702 (1991)). Even if the Arkansas Department of Correction has custody of petitioner as petitioner asserts, he is not incarcerated in Arkansas at this time and a writ to effect his release is not properly entertained in Arkansas.

Petition denied.